

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

BLUEFIELD DIVISION

PETER TERRY BELCHER,

Petitioner,

v.

CIVIL ACTION NO. 1:09-mc-00029

UNITED STATES OF AMERICA,

Respondent.

MEMORANDUM OPINION AND ORDER

In this action, the petitioner, acting *pro se*, seeks (1) to re-open his criminal case; (2) permission to appear before a grand jury; (3) restoration of his voting and firearm possession rights and (4) transfer of the matter to the United States District Court for the Western District of Virginia.. The case is presently pending on petitioner's "United States District Court Citizens Complaint to Appear Before Grand Jury" [Docket 1], request for restoration of constitutional rights [Docket 7, p.11] and request to change venue [Docket 8].

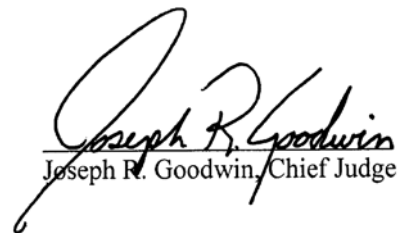
This action was referred to the Honorable R. Clarke VanDervort, United States Magistrate Judge, for submission of proposed findings of fact and recommendation for disposition, pursuant to 28 U.S.C. § 636(b)(1)(B). On June 25, 2009, the Magistrate Judge submitted his *Proposed Findings and Recommendation* ("PF&R") and recommended that I deny the petitioner's requests and dismiss this action and remove it from the docket. On July 10,

2009, the petitioner moved for an unspecified extension of time to file objections to the PF&R [Docket 12]. On July 13, 2009, I granted the motion and ordered objections to be filed by July 27, 2009 [Docket 14]. Subsequently on July 13, 2009, the petitioner moved again for an additional ninety days to file objections [Docket 16]. The court notes that the second motion for an extension of time has not been previously ruled on and 23 days have passed since the July 27, 2009, deadline for submission of objections.

I **DENY** the second motion for an extension of time. Since neither party has filed objections to the PF&R, I **ADOPT** and incorporate it and **DENY** both the petitioner's request to appear before a grand jury [Docket 1] and the request to transfer this matter to the Western District of Virginia [Docket 8]. The request for restoration of constitutional rights is **DENIED** for lack of subject matter jurisdiction. I further **ORDER** that this action be **DISMISSED** and stricken from the court's docket.

The court **DIRECTS** the Clerk to send a copy of this Order to counsel of record and any unrepresented party.

ENTER: August 20, 2009


Joseph R. Goodwin, Chief Judge